

HOW TO EXPUNGE AND/OR SEAL A CRIMINAL RECORD

Table of Contents

Introduction to Clearing Your Criminal Record	1
Information on the difference between expungement (erase) and sealing (hide) and what the requirements are for each.	
Step 1: Get Copies of Your Criminal Records	2
Find out how and where to get copies of your criminal records.	
Step 2: Review Your Criminal Records & Figure Out Your Eligibility	3
Learn how to read your criminal record and find out if your cases can be expunged and/or sealed.	
o <i>Fill out the Case Worksheet on page 13.</i>	
o <i>Pick Expungement for:</i>	
• <i>Arrests or cases that resulted in acquittals, dismissals or non-conviction sentences (see types of offenses that can be expunged under Step 2).</i>	
o <i>Pick Sealing for:</i>	
• <i>Cases that resulted in a conviction (see types of offenses that can be sealed under Step 2)</i>	
Step 3: Next Steps for Expungement & Sealing	5
Learn what to do once you have filled out the forms, what happens once your case gets started, and what to do when you find out if your record will be expunged or sealed.	
Appendix: Case Worksheet & Definitions	9
Figure out if you qualify for expungement or sealing and collect all of your case information to help fill out the expungement or sealing forms.	
Case Outcome Definitions	12
Explanations of case outcomes to help you figure out if you were convicted of a criminal offense.	

INTRODUCTION TO CLEARING YOUR CRIMINAL RECORD

This page is an overview of the process. For more detail on the process, read the rest of the packet.

What are the options to clear my criminal record in Illinois?

When you are arrested or charged with an offense, a criminal record is created, even if you are not found guilty. Your criminal records can be read by the public, including your family, friends, employers, trade organizations, banks, and credit agencies. To have your record erased or hidden you must file a *Request* with the court and have a judge approve your *Request*.

There are 3 ways to clear your criminal record:

- Expungement: Erases arrests and court supervisions from your criminal record so it is like they never happened. Qualified Probations (*see definition on Page 16*) are only sealed by the State Police, but are erased by the arresting agency.
- Sealing: Hides your criminal record from most of the public. Law enforcement agencies can still see sealed records. Employers required by law to conduct background checks can see sealed felony convictions. They cannot see sealed misdemeanor convictions or cases not resulting in convictions unless the employer is a law enforcement agency.
- Executive Clemency: If you do not qualify for expungement or sealing you can apply for a pardon from the Governor forgiving you for your criminal convictions. A pardon does not erase or hide your conviction on its own. If you get a pardon authorizing expungement, you can then apply to have your record expunged. To learn more about getting a pardon go to: <http://www.illinois.gov/prb/Pages/prbexcmex> or www.illinoislegalaid.org/legal-information/getting-executive-clemency.

Are these expungement and sealing forms right for me?

DO NOT use the *Request to Expunge & Impound Criminal Records* or the *Request to Seal Criminal Records* forms in the following cases:

- Stolen Identity: If the person that was arrested was not you but impersonated you to the police, do not use these forms. Instead file a request to have your record corrected due to identity theft. You can get the forms to correct your record due to identity theft at: <https://www.illinoislegalaid.org/legal-information/expungement-when-there-identity-theft>.
- Juvenile Records: If you were detained or arrested by the police as a juvenile or charged in juvenile court, do not use these forms. Instead use the court forms for expungement of your juvenile records. For more information visit: <https://www.illinoislegalaid.org/legal-information/filing-petition-expunge-your-juvenile-criminal-record> or www.illinois.gov/osad/Expungement.

DO NOT list the following types of cases on the *Request to Expunge & Impound Criminal Records* or the *Request to Seal Criminal Records* forms:

- Out of State and Federal Records: Do not use these forms for criminal records from a state other than Illinois, or for federal criminal records. Instead check with the state where you were charged to see if expungement is an option. If you were charged in federal court, check with the U.S. Department of Justice at: www.justice.gov/pardon.
- Civil Cases: If you were involved in a civil case, like an order of protection, it will not appear on your criminal record and cannot be expunged or sealed.
- Minor Traffic Cases: If you were arrested and charged with a minor traffic violation, do not include it on these forms unless the charge was a Class A or B misdemeanor. If you were arrested but not charged for a minor traffic violation, you can use these forms.

Can I apply for expungement or sealing?

- If your criminal record has arrests and charges, supervisions or qualified probations that were completed successfully, you can apply to have those criminal records expunged (erased).
- If there are any convictions on your criminal record, you can apply to have eligible records sealed. See "What types of offenses *can be sealed*?" in Step 2 for the exceptions.
- If you have a conviction on your record that is not an exception, you may still be able to have your record sealed (hidden). See "What types of offenses CAN be sealed (hidden)?" in Step 2 for the full details.

What stops me from having my criminal record expunged (erased)?

- Any criminal charges pending; OR
- Any sentences you have not yet completed, including parole, probation, or court supervision; OR
- Any eligible court supervisions and qualified probations where the waiting period for the offense has not yet passed. See waiting periods for different offenses listed in "What types of offenses CAN be expunged (erased)?" in Step 2.

What stops me from having my criminal record sealed (hidden)?

- Any criminal charges pending;
- Any sentences you have not yet completed, including parole, probation, or court supervision; OR
- The necessary "waiting period" has not passed.

What if I have been arrested, charged with an offense, or convicted in more than one Illinois county?

If you have been arrested, charged with an offense, or convicted in more than one county you will have a criminal record in each county. You will have to:

- Get your criminal records from each county;
- Review your criminal records from each county to find out if you qualify to expunge or seal each criminal record.

What if I have been arrested, charged with an offense, or convicted in more than one Illinois county? (continued)

- Fill out expungement and/or sealing forms for your criminal records in each county; AND
- Pay filing fees in each county (except if you qualify for a fee waiver).

If I feel that I need help completing my forms, where can I go?

- Check with your local courthouse or law library, or search <http://www.illinoislegalaid.org/get-legal-help> for free or reduced cost help. You may also reach out to the State Appellate Defender:
www.illinois.gov/osad/Expungement.

What costs will I need to pay to expunge (erase) or seal (hide) my criminal record?

- Criminal Record Fees: If you are seeking to expunge or seal cases that took place in Chicago, there is a fee to get a copy of your RAP (Record of Arrests and Prosecutions) sheet from the Chicago Police Department. There is also a fee to get your Statewide Criminal History Transcript from the Illinois State Police.
- Circuit Clerk Filing Fee: To file your expungement or sealing forms (unless waived). In certain jurisdictions, a certified disposition fee may be required.
- Illinois State Police Processing Fee: To process your expungement or sealing court order. The Circuit Clerk collects this fee with the filing fee.

If you cannot afford the Circuit Clerk Filing Fee or the Illinois State Police Processing Fee, you can ask the court to waive them. You can find a fee waiver form, which can be used to waive fees in expungement and sealing cases, at: www.illinoiscourts.gov/forms/approved.

How long will it take before I know if my record will be expunged or sealed?

It may take a few months to find out if your record will be expunged or sealed because:

- The State's Attorney, the Illinois State Police, and Arresting Agencies get 60 days from the day they receive it to object to your *Request*,
- Courts may have different scheduling procedures, and it may take a while for a judge to review your *Request*, AND
- Law enforcement agencies may take up to 60 days from the day they receive your expungement or sealing court order to clear your criminal record.

What steps do I need to take to have my criminal record expunged (erased) or sealed (hidden)?

- Step 1: Get copies of your criminal records.
- Step 2: Review your criminal records and figure out if you can apply for expungement or sealing.
- Step 3: Fill out the expungement and/or sealing forms.
- Step 4: File the forms to begin the process.

Read the rest of this guide for information on each step.

STEP 1: GET COPIES OF YOUR CRIMINAL RECORDS

Why do I need copies of my criminal records?

Criminal records list the offenses you were arrested for, the offenses you were charged with, and the outcome of the cases including any sentences you received. You need this information to find out if your offenses can be expunged (erased) or sealed (hidden) and to fill out the forms.

What are the different types of criminal records?

- Court Disposition: The final judgment or outcome in a court case. There are no court dispositions for arrests or charges that did not lead to a court case.
- Chicago RAP Sheet (Record of Arrests and Prosecutions): List of all arrests, charges, and court case outcomes that happened in Chicago.
- Illinois State Police Statewide Criminal History Transcript: List of all arrests and convictions that happened in Illinois.

How do I get copies of my criminal records?

- Most court records are available online. If not, go to the Circuit Clerk's Office in the county where your case was filed. Ask the Circuit Clerk for copies of your court dispositions or use the public computer at the courthouse to look them up and print them out. There may be a fee to get copies of or print out your court dispositions, but you can look at them on the computer and write down the information for free. Find your Circuit Clerk's website at:
www.ilcourtclerks.org/illinois-court-clerks/.
- **Order a RAP sheet from the Chicago Police Department if you were arrested in Chicago.** There may be a waiting period before you get your RAP sheet. There will be a fee (\$16 as of 2016).
 - You must go to the Chicago Police Department to get your Chicago RAP sheet:
Chicago Police Headquarters
3510 S. Michigan Ave., Chicago, IL
(312) 745-5508
 - You should also request a copy of your Illinois State Police Statewide Criminal History Transcript. The Chicago Police will provide your state record for no additional cost.
- **Get information from the Illinois State Police.** You are allowed to access your entire criminal history information from the Illinois State Police. Although not required, it guarantees you have your entire criminal record. You can get this "Statewide Criminal History Transcript" make sure that you have your entire criminal record in 3 ways:
 - **Directly from the Illinois State Police:**
Illinois State Police, Bureau of Identification
260 North Chicago Street, Joliet, Illinois 60432
(815) 740-5160
www.isp.state.il.us/crimhistory/chri.cfm.

Get information from the Illinois State Police. *(continued)*

- **Every law enforcement agency** is allowed to provide you this information. Check with your local law enforcement agency to find out costs and times for fingerprinting.
- You can also go to any **licensed LiveScan vendor** to get your transcript. Find a LiveScan vendor at: <https://www.idfpr.com/LicenseLookUp/fingerprintlist.asp>.

STEP 2: REVIEW YOUR CRIMINAL RECORDS & PICK EXPUNGEMENT AND/OR SEALING

To determine if you can expunge or seal your criminal records, complete the Case Worksheet on page 13 of this booklet. Once you have completed your worksheet, you do not need to look at your court dispositions and RAP sheets to complete the expungement or sealing forms.

What do I look for on my criminal record?

To figure out if the offenses on your criminal record can be expunged (erased) and/or sealed (hidden), you need to look at each item in your criminal record and find the:

- Arrest dates and the police department who arrested you.
- Charge: The type of offense you were charged with in court or arrested for and released without charging.
- Disposition: The outcome of the case, for example, guilty/not guilty.
- Sentence: The punishment you received.
- The date you completed any sentence.

Once you find these on your criminal record, review the lists below to see if your offenses can be expunged and/or sealed.

What are the first things I need to know to choose between expungement and sealing?

- You cannot expunge (erase) any record that resulted in a conviction, unless the conviction was reversed, vacated, pardoned by the Governor, or approved for expungement by the Prisoner Review Board.
- If you have been convicted and none of the exceptions apply, you may still be able to seal (hide) your conviction, depending on the charge and how much time has passed.
- Convictions include a finding of guilt resulting in a sentence of: **probation** (other than Qualified Probation, successfully completed), **jail** or **prison** time, **conditional discharge**, **time considered served**, **fines** (with no other sentence), and supervisions or qualified probations that are not successfully completed.

What types of offenses CAN be expunged (erased)?

The following types of arrests, charges, or sentences on your criminal record can be expunged:

- Arrests for misdemeanors and felonies that did not result in a conviction.
- Convictions for misdemeanors and felonies only if:
 - The conviction was reversed or vacated; OR
 - You received a pardon from the Governor allowing expungement of all convictions on your record; OR
 - As an Honorably Discharged Veteran, you have a Certificate of Eligibility for Expungement from the Prisoner Review Board allowing expungement of all convictions on your record.
- Sentences for court supervision only if:
 - 2 years have passed since you successfully finished your court supervision, except the offenses listed directly below; OR
 - 5 years have passed since you successfully finished your court supervision for:
 - Domestic Battery
 - Criminal Sexual Abuse (victim was 18 or older)
 - Operation of an Uninsured Motor Vehicle
 - Operation of a Motor Vehicle when Registration is Suspended for Non-Insurance
 - Display of False Insurance Card
 - Scrap Processors to Keep Records
- You have reached 25 years of age, your Reckless Driving supervision occurred when you were under 25, and you have no other convictions.
- Sentences of Qualified Probation, only if 5 years have passed since you successfully finished your qualified probation.
- **NOTE:** For definitions of the sentences listed above, see page 12.

What types of offenses CANNOT be expunged (erased)?

The following types of arrests, charges, or sentences on your criminal record cannot be expunged:

- Minor Traffic Offenses, unless you were released without being charged.
- Convictions for misdemeanors and felonies unless they were reversed, vacated, pardoned by the Governor, or approved by the Prisoner Review Board.
- Court supervision or Qualified Probation that was NOT successfully completed.
- Court supervision for the following offenses:
 - Reckless Driving (if you were 25 or older at the time)
 - Driving Under the Influence
 - Sexual Offenses Against a Minor Under Age 18

What if I have some offenses that can be expunged or sealed and some that cannot?

- As of January 1, 2017, even if certain cases are not eligible for expungement or sealing, you can still expunge or seal those arrests and cases that are eligible.

What types of offenses CAN be sealed (hidden)?

Arrests and charges for misdemeanors and felonies that did not lead to a conviction can be sealed at any time, including minor traffic offenses where no charges were filed. Cases with the following sentences on your criminal record can be sealed if at least 3 years have passed since the successful completion of your last sentence:

- Convictions for most misdemeanors, except those listed in the next section.
- Convictions for these Class 3 Felonies under the Criminal Code:
 - Theft ([720 ILCS 5/16-1](#))
 - Retail Theft ([720 ILCS 5/16-25\(a\)](#))
 - Deceptive Practices ([720 ILCS 5/17-1](#))
 - Forgery ([720 ILCS 5/17-3](#))
 - Possession with Intent to Manufacture or Deliver a Controlled Substance ([720 ILCS 570/401](#))
- Convictions for these Class 4 Felonies:
 - Prostitution ([720 ILCS 5/11-14](#))
 - Possession of Cannabis ([720 ILCS 550/4](#))
 - Possession of a Controlled Substance ([720 ILCS 570/402](#))
 - Theft ([720 ILCS 5/16-1](#))
 - Retail Theft ([720 ILCS 5/16-25\(a\)](#))
 - Deceptive Practices ([720 ILCS 5/17-1](#))
 - Forgery ([720 ILCS 5/17-3](#))
 - Possession of Burglary Tools ([720 ILCS 5/19-2](#))
 - Offenses under the Steroid Control Act
 - Offenses under the Methamphetamine Precursor Control Act ([720 ILCS 646](#))
- The following can be expunged after 5 years, but could qualify for sealing after 3 years:
 - Arrests or charges not initiated by arrest resulting in orders of first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Section 5-6-3.3 (Second Chance Probation) of the Unified Code of Corrections.

NOTE: If you completed one of the educational goals listed below during your last sentence, you may be able to seal all eligible offenses upon the completion of your LAST sentence instead of after the 3 or 5 year waiting period if you completed the goal during the period of your last sentence and had not already completed the same goal.

The following educational goals are eligible: (1) high school diploma; (2) associate's degree; (3) career certificate; (4) vocational or technical certification; (5) bachelor's degree; (6) passed the high school GED test.

What types of offenses CANNOT be sealed (hidden)?

The following types of arrests, charges, and sentences on your criminal record cannot be sealed:

- Convictions and supervision for these misdemeanors:
 - Minor Traffic Offenses;
 - Driving Offenses:
 - Driving Under the Influence ([625 ILCS 5/11-501](#))
 - Reckless Driving (unless under 25 at the time of the offense and no other convictions for DUI or reckless driving) ([625 ILCS 5/11-503](#))
 - Domestic Battery ([720 ILCS 5/12-3.2](#))
 - Violation of an Order of Protection ([720 ILCS 5/12-3.4](#)), Civil No-Contact Order ([740 ILCS 22/101](#)), or Stalking No-Contact Order ([740 ILCS 21/1-135](#))
 - Sexual Offenses:
 - Soliciting a Prostitute or Patronizing a Prostitute ([720 ILCS 5/11-18](#))
 - Public Indecency ([720 ILCS 5/11-30](#))
 - Any other misdemeanor offense listed under Article 11 of the Criminal Code (with the exception of Prostitution) ([720 ILCS 5/11](#))
 - Any offense that requires registration under the Sex Offender Registration Act
 - Animal Offenses:
 - Dog Fighting ([720 ILCS 5/48-1](#))
 - Class A misdemeanors under the Humane Care for Animals Act, such as beating or tormenting an animal, or abandonment ([510 ILCS 70/3.01](#); [510 ILCS 70/4.03](#); [510 ILCS 70/5](#); [510 ILCS 70/5.01](#); [510 ILCS 70/6](#); [510 ILCS 70/7.15](#))
- Convictions for Class X, Class 1, and Class 2 Felonies.
- Convictions for most Class 3 and Class 4 Felonies, except those listed in the previous section.
- New felony convictions after you already had felony convictions sealed. **NOTE:** a new felony conviction after your sealing may result in the unsealing of your past felony convictions. ([20 ILCS 2630/5.2\(c\)\(4\)](#))

What if I have some offenses that can be sealed and some that cannot?

- The offenses that qualify for sealing can be sealed.
- The offenses that do not qualify for sealing will stay on your criminal record.

STEP 3: NEXT STEPS FOR EXPUNGEMENT & SEALING

What do I do after I fill out the forms?

- File your forms with the Circuit Clerk in the county where you were arrested or charged with the offense. In some counties, you may have to attach copies of your court dispositions.
- Call the Circuit Clerk and ask how much it will cost to file your forms and the types of payment (cash, check, credit, online) they take and number of copies required; BUT
- If you cannot afford the fee, fill out and file an *Application for Waiver of Court Fees* found at: www.illinoiscourts.gov/forms/approved.
- File your forms with the Circuit Clerk in person. You may be able to file by mail or online depending on the county where you are filing your court case.
- The Circuit Clerk will stamp your forms. This stamp is your proof that the forms were filed with the court.
- How to File In Person:
 - Go to the courthouse in the county where your court case should be filed.
 - Give the Circuit Clerk your original forms and the copies to stamp.
 - The Circuit Clerk will keep the original forms and give back your copies.
 - Pay the filing fee or file your *Application for Waiver of Court Fees*.
- How to File By Mail:
 - If you will be asking for a fee waiver, there may be local rules requiring you to file your *Application for Waiver of Court Fees* in person. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.
 - In Cook County, you must go in person to have your fees waived.
 - If you do not need to appear in person, mail your original forms including your *Application for Waiver of Court Fees* and one copy to the Circuit Clerk to stamp.
 - If you do not need to have your fees waived, mail your original forms and one copy to the Circuit Clerk to stamp.
 - Include the *Letter to the Circuit Clerk* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
 - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you.
- How to File Online:
 - Check your local Circuit Clerk's website to see if online filing is an option for you at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
 - Follow the instructions for filing online provided by the Circuit Clerk.
 - Pay the filing fee as instructed online or file your *Application for Waiver of Court Fees*.

- Even if you can file online, you may have to appear in person to apply for a fee waiver. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.
- The Circuit Clerk will mail your *Request* with the *Notice of Filing for Expungement or Sealing* to each of the following:
 - County State's Attorney
 - Arresting Agencies (police departments)
 - Chief Legal Officers of the cities, towns and villages where you were arrested
 - Illinois State Police
- Keep 1 copy of the forms that were stamped by the Circuit Clerk for your own records.

What if I have arrests and charges from different counties?

If you have arrests, charges, or convictions that happened in more than one county, you must file separate requests for expungement or sealing in each county. A *Request* should only include arrests, charges, and convictions that happened in one county. You will have to pay filings fees in each county where you file a *Request*, unless they are waived in each county.

What if I move before my expungement or sealing case is over?

If you move before your case is over, immediately notify the Circuit Clerk of your new address. If you do not tell the court your new address you may not receive notices of hearing dates and copies of court orders.

Can anyone keep me from getting my criminal record expunged (erased) or sealed (hidden)?

The police departments and prosecutors that you listed on the *Notice of Filing for Expungement or Sealing* form get a chance to object to your request to expunge or seal your criminal record. They have 60 days from the day they receive your *Request* to file a written objection with the court. If they object, it means they do not want your record to be expunged or sealed. If the agencies do not object during the 60 days, they cannot object at a later time.

How will I know if someone objects to my request for expungement or sealing?

The Illinois State Police will mail you a copy of any objection. An objection does not mean the court is denying your *Request*. The court will consider the objection when deciding if your criminal record will be expunged or sealed.

Will I have a court hearing for my expungement or sealing case?

You may need to go to court for a hearing in front of a judge. Some counties schedule a hearing date right away, but others will only schedule a hearing if one of the agencies you listed on the *Notice of Filing for Expungement or Sealing* form objects to your request for expungement or sealing.

Get ready for your court date.

- Decide and write down specific negative results you may suffer if your *Request* is denied.
- Gather and make copies of pictures and documents you want the judge to see like evidence of completion of a treatment program, letters of recommendation, proof of education, or degrees, etc.

Go to your court date.

- You must attend the court hearing if one is scheduled. If you do not go to your hearing, your case could be dismissed.
- Bring these items with you to court:
 - Photo I.D.;
 - Stamped copies of your forms;
 - *Order to Expunge & Impound Criminal Records and/or Seal Criminal Records*;
 - *Order Denying Request to Expunge & Impound Criminal Records and/or Seal Criminal Records*;
 - Notes or documents detailing your employment and educational history; AND
 - Other papers related to your *Request* (like evidence of completion of a treatment program, letters of recommendation, proof of education, or degrees, etc.).
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
 - Check in with the courtroom staff and wait for your name and case number to be called.
 - When your case is called, walk to the judge and introduce yourself.

How do I present my case to the judge?

- Tell the judge your side of the case and answer questions. Be prepared to tell the judge about specific negative results you may suffer if your *Request* is denied.
- You will have a chance to respond to any objections to your request for expungement or sealing.
- The agencies that you listed on your *Notice of Filing for Expungement and/or Sealing* form may be at your hearing and could ask you questions about your case.

If I am asked to come in for a hearing, how does the court decide to approve or deny my request for expungement or sealing?

Requests for expungement or sealing are not automatically approved just because you are eligible under the law. To decide, the court may:

- Review any objections filed by the agencies you listed on your *Notice of Filing for Expungement and/or Sealing* form; AND
- Determine if you are eligible under the law; AND
- Review other factors it is allowed to consider:
 - The strength of the evidence supporting a conviction;
 - The reasons why the State, the Arresting Agencies, or Chief Legal Officers want to keep your records from being erased or hidden;
 - Your age, criminal record history, and employment history;
 - The period of time between your arrest on the charge resulting in the conviction and the filing of the request to expunge or seal your records; AND
 - The specific negative results you may suffer if the petition is denied. Be prepared to tell the judge about these.

How will I find out if my request for expungement or sealing is approved or denied?

If you do not receive a copy of the *Order* in court, the Circuit Clerk will mail you a copy of the *Order* stating whether your request for expungement or sealing was approved or denied.

What do I do with the *Order* approving or denying my request for expungement or sealing after I get it?

If your request was approved, it is very important that you keep a copy of the *Order* that you receive from the Circuit Clerk in a safe place. Once your arrests or cases are expunged or sealed, the court no longer has a court record for you and it may be very difficult to get another copy of the *Order*.

If my request is approved, how long will I have to wait before my record is expunged or sealed?

If the judge approves your request for expungement or sealing, a copy of the *Order* will be sent by the Circuit Clerk to the police departments and prosecutors that you listed on the *Notice of Filing for Expungement and/or Sealing*. These agencies have 60 days from the time they receive a copy of the *Order* to expunge or seal your records.

How will I know when my record has been expunged or sealed?

The Illinois State Police will send you a letter stating that they have expunged or sealed your records. Until you receive this letter from the Illinois State Police, your records have not yet been expunged or sealed.

Can anyone find out about my criminal record once it has been expunged or sealed?

Some agencies will be able to find out that you expunged a criminal record and see your sealed records:

- Law enforcement agencies including police departments, prosecutors, correctional institutions, military, and court services and Department of Child and Family Services can see all sealed records, expunged pardoned convictions, and some five-year-waiting-period expunged records for limited purposes.
- Any employer required by law to conduct fingerprint background checks can see sealed felony conviction records. These employers include: financial institutions, fire departments, private carrier companies, schools, park districts, health care organizations, and childcare organizations.
- An employer not listed above and members of the public can't see expunged or sealed records or find out that you have had a record expunged or sealed.

If my records are expunged or sealed, do I have to tell employers or potential employers about it?

No, you do not have to tell employers about expunged or sealed criminal records.

- On job applications you may answer "no" to the question, "have you ever been convicted" if your entire criminal record was expunged or sealed. Note: in Illinois, private employers with 15 or more employees are not allowed to ask if you have ever been convicted of a crime.
- If you applied for expungement or sealing and the court has not decided yet, if asked, you still have to report your criminal record to a potential employer after an interview or conditional offer of employment.
- In Illinois it is against the law for employers to ask if you have expunged or sealed any criminal records unless they are one of the agencies above authorized by law.

If an employer finds out that you expunged or sealed any criminal records, they cannot use that against you or they will violate the Illinois Human Rights Act [775 ILCS 5/1-101-10/104](#).

What can I do if my request for expungement or sealing is denied?

- Ask for Reconsideration: You can ask the circuit court to look at your *Request* again.
 - File a Motion for Reconsideration with the Circuit Clerk within 60 days from the day you received a copy of the *Order* denying your *Request*.
 - You may have to pay another filing fee unless you have a fee waiver. You have to send a copy of your Motion for Reconsideration and Notice of Motion forms to the States Attorney, Arresting Agencies, Chief Legal Officer of the Unit of Local Government, and Illinois State Police.

What can I do if my request for expungement or sealing is denied? (*continued*)

- Appeal: You can ask the appellate court to review the circuit court decision.
 - File a Notice of Appeal with the Circuit Clerk within 30 days from the day the *Order* was entered denying your *Request*; OR
 - If you file a Motion for Reconsideration and it is denied, file a Notice of Appeal within 30 days from the day the *Order* was entered denying your Motion for Reconsideration.
 - You will have to pay a filing fee to the appellate court unless you have a fee waiver from the appellate court. You will have to pay a fee for the Circuit Clerk to prepare the Record on Appeal unless you have a fee waiver from the circuit court.

What if my criminal record does not qualify for expungement or sealing?

You may be able to get one of the following certificates from the Prisoner Review Board that will allow you to apply for expungement or sealing.

- Certificate of Eligibility for Expungement: You may be able to get this certificate if you were convicted of a Class 3 or Class 4 Felony and enlisted in, or received an honorable discharge from the United States Armed Forces or National Guard and you served at least one tour of duty.
- Certificate of Eligibility for Sealing: You may be able to get this certificate if you have been convicted of a Class 3 or Class 4 Felony.

To find out if you are eligible for one of these certificates, contact the Prisoner Review Board:

Illinois Prisoner Review Board
 319 East Madison Street, Suite A
 Springfield, IL 62701
 Telephone: (217) 782-7273
 Fax: (217) 524-0012
www.illinois.gov/prb/.

What if my criminal record does not qualify for expungement or sealing and I cannot get a certificate from the Prisoner Review Board?

You may be able to get one of the following certificates from the court to help you show that you are serious about getting a job or getting a professional license:

- Certificate of Good Conduct: This certificate may help you get a job. You may be able to get the certificate if it has been two years since you successfully completed your sentence and you have not been convicted of a Class X Felony, aggravated DUI, aggravated domestic battery, or a forcible felony resulting in great bodily harm.

What if my criminal record does not qualify for expungement or sealing and I cannot get a certificate from the Prisoner Review Board? *(continued)*

- Certificate of Relief from Disabilities: This certificate may help you get a professional license for jobs like a barber, therapist, real estate agent, roofer, engineer, accountant, and more. You may be able to get this certificate if you have not been convicted of a Class X felony, aggravated DUI, aggravated domestic battery, or a forcible felony resulting in great bodily harm.
- Certificate of Innocence: This certificate may help you get paid money from the Illinois Court of Claims for an unjust conviction. You may be able to get this certificate if you proved you were improperly convicted.
- Health Care Waiver: This certificate may help you get a health care job if you are not professionally licensed (registered nurse, licensed practical nurse) and want to work at a health care organization (nursing homes, hospitals). For more information, see the Health Care Worker Registry at: www.idph.state.il.us/nar/.

NOTE: Information about these certificates may be obtained from the Circuit Clerk.

Appendix: Case Worksheet

Use this worksheet to get the information from your entire criminal record in one place.

- You can find all the information you need to fill in the worksheet on your court dispositions, RAP sheets, and information from the Illinois State Police Access and Review process. Below are some samples to help you locate the information you need.
- There are three tables on page 12 of this instruction booklet to help you determine if a sentence or disposition qualifies as a conviction for the purposes of expungement and sealing.

How do I complete the Case Worksheet?

Using the information on your court dispositions and any RAP sheets you have, fill in your Case Worksheet with this information for each case:

- Arrest or Case Number: Enter the arrest or case number listed on your court disposition or RAP sheet.

- Arresting Agency: Enter the name of the police department that arrested you.
- Charge: Enter all offenses you were charged with for each case number, for example “drug possession” and “possession of paraphernalia”.
- Date of Arrest: Enter the date you were arrested that is listed on your court disposition or RAP sheet.
- Outcome: enter the sentence you received for the offense.
- Completion of Sentence: Enter the date your sentence ended successfully.

What if I see an arrest on my criminal record but there is no charge, disposition or sentence listed?

Not all arrests lead to charges, so there would not be a charge, disposition, or sentence listed on your record. All arrests without charges can be expunged if all the offenses on your entire record qualify. If not, then the arrests can be sealed. In the chart below, you only need to enter the Arresting Agency and Date of Arrest for arrests that did not result in charges.

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

Do not file this worksheet with the court. It is only for helping you fill out the actual expungement or sealing forms.

Sample Cook County Court Disposition:

Sample Chicago Police RAP Sheet:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 PEOPLE OF THE STATE OF ILLINOIS

VS

JOHN DOE

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show:

The State's Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

750-5/12-3-A-1 M A **BATTERY**

The following disposition(s) was/were rendered before the Honorable Judge(s):

11/05/2005 BOND SET BY RULE OF COURT 11/17/2005 3154
 Smith, Gerald T.

11/17/2005 BOND FORFEITURE B001
 Smith, Gerald T.

12/13/2005 MOTION TO VACATE BOND FORF.
 Smith, Gerald T.

12/13/2005 BOND FORFEITURE VACATED
 Smith, Gerald T.

12/13/2005 **STRICKEN OFF - LEAVE REINSTATE** C001
 Smith, Gerald T.

CHICAGO POLICE DEPARTMENT
 3510 S. Michigan Avenue/Chicago, IL 60653
 Identification Section

Criminal History Report

DOE, JOHN
 IR # 978380 MALE
 SID # WHITE
 FBI # 5'10"
 IDOC # EYES: BRO
 Current Arrest Information: HAIR: BLK

Date of Birth: 2-OCT-1974
Age: 39 years
Place of Birth: CHICAGO, IL
SSN:
Driver's License #: Q4838171920282782
Driver's Lic. State: ILLINOIS
Scars, Marks & Tattoos:

Criminal Justice Summary: Total arrests: 1 (1 Misdemeanor)

ARREST

Arrest Name: DOE, JOHN Date: 11/4/2005 Holding Facility: NORRIDGE
 Date of Birth: 2-OCT-1974 Arrest Address: 145 W. State St., Chicago, IL
 DCN or CB: 05456347 Residence: 230 E. Green St., Chicago, IL
 Officer: JONES Officer Badge #: 53 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description
[1]	A	M	720 ILCS 5/12-3	Battery

COURT CHARGES/ DISPOSITION			
Statute	Charge	Class	Case#
720 ILCS 5/12-3	BATTERY	M	05121978901
Disposition:	SOL	Disposition Date:	13-DEC-2005
Sentence:		Sentence Date:	

Sample Case Worksheet:

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1	05121978901	Chicago Police Department	Battery	11/4/2005	Stricken off with leave to reinstate	n/a

Sample County Court Disposition (Not Cook County):

Sample Illinois State Police RAP Sheet:

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
FORD COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
vs) No. **09-CM-117**
Jane Doe)
Defendant)

JUDGMENT AND SENTENCE
OF PROBATION/COURT SUPERVISION/CONDITIONAL DISCHARGE

The case coming on for sentencing, Defendant (having pled guilty of) ~~(having been found guilty of) (having had probation, supervision, or conditional discharge received for)~~ the offense(s) of:
Unlawful Possession of Drug Paraphernalia
Class A Misdemeanor

and a Presentence Report having been ~~(prepared)~~ (waived) and hearing in aggravation and mitigation ~~(held)~~ (waived); The Court finds there is a factual basis for a finding of guilty. The Court further finds that imprisonment in the Illinois Department of Corrections is not necessary for the protection of the public, and the following sentence does not deprecate the seriousness of the Defendant's conduct and is consistent with the ends of justice.

ACCORDINGLY IT IS THE ORDER OF THIS COURT, that the Defendant is placed on (probation) ~~(court supervision)~~ ~~(conditional discharge)~~ for a period of 12 (years) (months) (days) subject to the following conditions:

THE DEFENDANT SHALL:

GS (X) 1. not violate any criminal statute of any jurisdiction;
...
GS (X) 8. pay a fine of \$ 750 ; court costs of . . . and Probation ~~(Supervision)~~ fees in the amount of \$ 25 per month;

... This case is continued to 12/17/10 except for review or remission hearings.

ENTER: 12/17, 20 09 Gerald T. Smith
JUDGE

TERMINATION DATE: 12/17, 20 10

ILLINOIS STATE POLICE
Bureau of Identification
260 North Chicago Street
Joliet, IL 60432-4075

Criminal History Of: Doe, Jane State Identification #: IL 9876543
(Last Known Name)

Conviction Status: MISDEMEANOR CONVICTION
Custodial Status:

Alias Name(s) DOE, JANE **Date of Birth** 01/13/1981

SUBJECT IDENTIFICATION DATA

Sex: FEMALE
Race: WHITE
Height: 5'4" **Date Reported:** 10/23/2009 **FBI#:**
Weight: 105 **Date Reported:** 10/23/2009 **Chicago IR#:**
Eyes: BLUE
Hair: BLACK
Skin: MEDIUM

Scars/Marks/Tattoos TAT L LEG **Place of Birth** ILLINOIS **Driver's License #** K1234567899 **DL State** IL

CRIMINAL HISTORY DATA

Arrest
DCN: P129393 **Date of Arrest:** **10/23/2009**
Name: DOE, JANE **Date of Birth:** 01/13/1981
Residence: 123 N. Main St. Melvin, IL

Arresting Agency: **FORD COUNTY SHERIFF'S OFFICE**
Agency Case Number: 1234567 **Officer Badge Number:** 008

Arrest Charges

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	CM

State's Attorney Section
Filing Decision: FILED **Decision Date:** 10/23/2009

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	CM

Agency Name: FORD COUNTY STATE'S ATTORNEY

Court Charges/Disposition

Count	Statute Citation	Literal Description	Class
1	720 ILCS 600/3.5	Poss. Of Drug Paraphernalia	CM

Disposition: **PROBATION** **Disposition Date:** **12/17/2010**

Case Number: 09CM117
Agency Name: FORD COUNTY CIRCUIT COURT

Sample Case Worksheet:

	Arrest or Case Number	Arresting Agency	Charge	Date of Arrest	Outcome	Completion of Sentence (Date)
1	09-CM-117	Ford County Sheriff's Office	Unlawful Possession of Drug Paraphernalia	10/23/2009	Probation	12/17/2010

How do I know if I was “convicted” of an offense and cannot have my criminal record expunged?

The disposition (outcome) of the offense on your record tells you if you were convicted or not. The tables below explain what the disposition codes or descriptions on your record mean and if you were convicted or not.

- If you see the disposition for your offense on Table 1 below, you were not convicted for that offense and it can be expunged.

- If you see the disposition for your offense on Table 2 below, you were convicted of that offense but you have an exception that allows you to apply for expungement.
- If you see the disposition for your offense listed on Table 3 below, you were convicted of that offense and it cannot be expunged.

Look at all of the entries in the “Outcome” column of your Case Worksheet. All cases that were not convictions are eligible for expungement (unless otherwise excluded, see page 3 of this booklet). Cases that resulted in convictions may be eligible for sealing (see page 4 of this booklet).

Table 1: These dispositions/outcomes mean that you were NOT convicted and are eligible for expungement:

Code	Disposition	More Information
FNPC	Finding of No Probable Cause	The court dismissed the case because it decided that there was no probable cause (reason) to believe that you had committed the offense that you were accused of.
FNG	Found Not Guilty	The court decided you were not guilty of the offense you were charged with.
RWOC	Released without Charging	You were arrested but not charged with an offense or brought to court.
	<i>Nolle prosequi</i>	The state stopped prosecuting your case and the court dismissed the case.
	Non-suit	In an Ordinance Violation case, the local municipal attorney has the option to bring the case back up again. If they do not, the case is considered dismissed.
SOL	Stricken off with leave to reinstate	The State has the option to bring the case back up again. If they do not within 120 – 160 days, the case is considered dismissed.
	Court supervision, completed successfully	The court kept your case open for a set period of time, and because you followed all of the conditions during that time, the court dismissed the criminal charges against you.
	Successfully completed First Offender Drug Probation or Qualified Probation	This type of probation can also be called 410, 710, 1410, or TASC probation when the court determines the arrest was a result of alcohol or drug addiction, and must be reflected in the record. You can tell if you received this special type of probation by the court disposition.

Table 2: These dispositions/outcomes mean that you were convicted, but there is a special situation and are eligible for expungement:

Disposition/Sentence	More Information
Guilty/Conviction Reversed or Vacated	The court originally decided you were guilty of an offense, but then reviewed your case and decided you were not guilty, or the court cancelled the original finding of guilt.
Guilty/Conviction with a Pardon from the Governor	The court found you guilty of an offense, but the Governor granted you a pardon that allows the expungement of your criminal record.
Guilty/Conviction with a Certificate of Eligibility for Expungement from the Prisoner Review Board	You petitioned the Prisoner Review Board and were given eligibility to erase a conviction from your criminal record.

Table 3: These dispositions/outcomes mean that you were convicted (and may be eligible for sealing):

Disposition/Sentence	More Information
Time Considered Served	The court determined that you committed the offense. The time you spent in jail waiting for the court to hear your case was considered your sentence.
IDOC (Illinois Department of Corrections) or County Department of Corrections (jail)	The court determined you committed the offense. You were sentenced to time in jail or prison.
Conditional Discharge	The court determined you committed the offense. You were sentenced to meet certain conditions and if you did not you would be resentenced.
Probation (not Qualified Probation)	The court determined you committed the offense. You were sentenced to report to a Probation Officer.
Fine (without court supervision)	The court determined you committed the offense. You were sentenced to pay a fine.